THE
Boſton-
AND
COUNTRY
Gazette,
JOURNAL.
No. 935.
Containing the freſheſt Advices, Foreign and Domeſtic.
MONDAY, March 8, 1773.

In the House of REPRESENTATIVES, February 5. 1773.

Whereas Doubts have ariſen concerning the Validity of the Sales of the Lands of ſuch as were called delinquent Proprietors of the Townſhip of Aſhfield, in the County of Hampſhire, made by the Aſſeſſors or Committee of the Proprietors of the ſaid Aſhfield, for the Years 1763, 1764, 1765, and Actions are now depending in the Law for recovering the Poſſeſſion of Parcels of ſaid Lands from the Perſons who purchaſed the ſame or from ſuch as hold under them: And whereas it will tend to the great Diſquiet of the ſaid Townſhip if ſuch Sales ſhould be adjudged invalid or inſufficient in Law:—THEREFORE,

RESOLVED, *That George Leonard, jun. Eſq; Jedediah Foſter, Eſq; and Mr. Thomas Denney, be a Committee fully authorized and impowered to repair to the ſaid Town of Aſhfield, to hear the Committee of the Proprietors, and alſo each of the Perſons or their Repreſentatives, whoſe Lands have been ſold in the Years and in manner as aforeſaid, and to judge and determine what the Land thus ſold were truly worth at the Time of the Sales over and above the Sums for which they were ſo ſold, together with all the Damage which may have actually accrued to each of the Proprietors of the ſaid Lands reſpectively by Means of the Sales aforeſaid; and the Committee are to make report of their Doings at the Seſſion of this Court in May next, that ſuch Order may be then taken for eſtabliſhing and rendering valid the Sales aforeſaid, as to the Court ſhall then appear to be juſt and equitable; and all Proceedings in the Law grounded upon the Invalidity of ſuch Sales are ſtaid in the mean Time. And the Committee of this Court ſhall give public Notice in all the Boſton News-Papers of the Time and Place of Meeting, that ſo all Perſons intereſted may attend if they ſhall ſee Cauſe.* Sent up for Concurrence.

T. CUSHING, *Speaker.*

In COUNCIL, Feb. 5. 1773.——*Read and Concurred,*

THO's FLUCKER, *Sec'y.*

Conſented to, T. HUTCHINSON.

A true Copy. Atteſt. THO's FLUCKER, *Sec'y.*

The above-named Committee of the General Court hereby give Notice to all concerned, that they purpoſe to meet at the Dwelling-Houſe of Mr. Samuel Belding, at Aſhfield aforeſaid, Innholder, on the 28th Day of April next, at Ten of the Clock in the Forenoon, for the Purpoſes in the foregoing Order mentioned.

GEO. LEONARD, *jun'r. per Order.*

March 5, 1773.

To the PUBLIC,

The Brigantine *Falmouth-Packet, John Holland*, Maſter, will ſail from Boſton to Falmouth, and from Falmouth to Boſton, within ten Days after her Arrival at each Port, Wind and Weather permitting; has very good Accommodations for Paſſengers. And the ſaid Maſter in order to prevent the uſual Trouble of Gentlemen and Ladies procuring them Stores, will furniſh good Liquors of all Sorts, and proper Attendance, at the common Prices in Taverns.

Any that pleaſe to favor him with Paſſages or Freight, may know the Day of Sailing, at Mrs. Bean's in King-Street, Boſton; and at Mr. Shadrack's at Falmouth; And all Freighters are deſired to mark and number what Packages they put on board; and they may rely on having them carefully delivered to the Perſons to whom they are directed, *By the Publick's humble Servant,*

Boſton, 8 March, 1773. WILLIAM HOLLAND.

TO BE SOLD or LET,
And entered on by the laſt of March Inſtant,

A large Commodious Farm on Pulling Point, in Chelſea, commonly known by the Name of *Grover's Farm*, containing upwards of Two Hundred Acres of very good Land.—*For further Particulars* enquire of Mr. *John Read*, in Long Lane, in *Boſton.*

Juſt imported from London, in Capt. Jarvis, and ſold by

Rebeckah Walker,

At her Shop at the Bottom of Black-Horſe Lane, over againſt M. Harrod's turning down to Charleſtown Ferry, A freſh Aſſortment of Garden Seeds, of the laſt Year's Produce, viz.

EARLY Golden Hotſpur Peaſe, early Charlton, large Marrowfats, dwarf Marrowfats, early Ormond Hotſpurs, early Maſters Hotſpurs, Spaniſh Moratto, Leadman's dwarf Peaſe, large Winſor Beans, early Liſbon, early yellow Dwarf and ſeveral other Sorts of Beans, early Yorkſhire Cabbage Seed, early Dutch, early Sugar loaf, early Batterſea, large Winter Cabbage, red Cabbage, Savoy Cabbage, Spaniſh Onions, Silver Skin ditto, ſeveral Sorts of Carrot Seeds, ſeveral Sorts of Lettice Seed, Swelling Parſnip, Scarlet and Salmon Raddiſh, early and late Cucumber, early and late Turnip, double-curl Parſley, double-curl Pepper-Graſs, early and late Collyflower, Summer Savory, white Muſtard, red Beet, Summer Spinage, Sweet Marjoram, hard Thyme, Sage, Celery and Endive, Carraway and Coriander Seed, Hemp Seed, Canary Seed and Split Peaſe.

On WEDNESDAY next,

At TEN in the Morning,
Will be ſold by PUBLIC VENDUE, at the Houſe of the late Capt. Joſeph Domett.
All the Houſe Furniture belonging to ſaid Deceaſed, conſiſting of a variety of valuable Articles, viz.

A Neat Mahogany Deſk and Book Caſe, Mahogany Dining Tables, Card Tables, and Tea Tables, a variety of Sconces, Pier, and Chimney Glaſſes, Leather bottom Chairs, Feather Beds, Bedſteads and Bedding, Sheets, Table Linnen, &c. Green Harrateen Curtains, Eaſy Chair, Cheſt of Draws, and Chamber Tables, a neat Eight Day Clock, a great variety of Glaſs, China, Stone and Delph Ware, Plate, &c. All kinds of Kitchen Furniture, and a variety of other valuable Articles.

Alſo,—a Triangle large Beam, Scales and Weights.

The Furniture may be viewed To-Morrow.

J. RUSSELL, Auctioneer.

WEDNESDAY NEXT, TEN o'Clock.

On FRIDAY NEXT, 12th Inſtant,

At TEN in the Morning,
Will be Sold by Public Vendue, at the late Dwelling-Houſe of William Bowdoin, Eſq; deceas'd in Roxbury.

The Houſe Furniture of the ſaid deceaſed, conſiſting of Looking-Glaſſes, Tables, Chairs, Feather Beds, Bedſteads and Bedding, a variety of Glaſs and China Ware, all kinds of Kitchen Furniture, a Silver hilted Sword, a quantity of Cyder in Hogſheads and Barrels, &c. &c.

‡‡‡ The Furniture may be viewed on Thurſday next.

J. RUSSELL, Auctioneer.

Friday next—exactly at X o'Clock.

The Subſcriber being appointed Adminiſtrator on the Eſtate of William Bowdoin, late of Roxbury, Eſq; deceaſed, deſires all Perſons indebted to the Eſtate to make immediate Payment; and thoſe to whom the Eſtate is indebted are requeſted to exhibit their Accounts as ſoon as may be, to the Adminiſtrator in Order to adjuſtment. JAMES BOWDOIN.

☞ Perſons poſſeſſed of Books belonging to the deceaſed are deſired to return them.

For *LONDON*,

The Ship *Mary Ann, Ebenezer* *Symmes*, Maſter, lying at JOHN HANCOCK, Eſq'rs Wharff.—Having two Thirds of her Cargo on Board. Will ſail in all March. For Freight or Paſſage apply to the Maſter on Board. Boſton, March 8, 1773.

Any Perſon that has Occaſion for a Quantity of good Cyder, either for Exportation or other Uſe, may hear of a Supply on reaſonable Terms, by enquiring of Edes and Gill.

THE Proprietors of the undivided Lands in the Town of Colrain, are hereby notified to meet at the Houſe of Mr. Greaton, Innholder in Roxbury, on Thurſday the Firſt of April next—Then and there,

1. To chooſe a Moderator.—2d. To conſider whether the Proprietors will appropriate any of the Lots now laid out for the Miniſtry and School, or chuſe a Committee and lay out Lots for theſe Purpoſes, in the common and undivided Lands belonging to the Proprietors.—3d. To conſider whether the Proprietors will ſell the whole or any Part of the Land granted them by the Province, in the Gore adjoining the Town, in order to pay what is due to the Province on ſaid Grant, or whether they will raiſe Money to pay the ſaid Debt and other Charges which may be thought neceſſary.—4th. Whether a Committee ſhall be choſen to lay out all the undivided Land, or whether the Proprietors will come to an Agreement to ſell the whole thereof.——And to tranſact any other Matters that may be thought beneficial to the Proprietors. By Order of the Committee,

ISAAC WINSLOW, jun. Propr's Clerk.

Boſton, March 6, 1773.

A large aſſortment of Garden & Hay SEEDS, too numerous here to mention, Imported and Sold Wholeſale and Retail, exceeding cheap,

By JOHN WHITE, Gardener,

And Land Surveyor from LONDON,
In Seven-Star-Lane, BOSTON.

Alſo a large Collection of Flower Seeds and Plants in Pots or without, all Sorts of Aromatick Plants, Cabbage, Collyflower, Brocoly, Celery, Endive, Leeks, Lettice, Cucumber, Melon and Aſparagus, Plants, Engliſh Fruit & Fruit Trees, dried Aromatick and other uſeful Herbs and Roots, all in their proper Seaſons, and at the cheapeſt Rate.

N. B. Wanted one or two Acres of Land in Boſton to occupy as a Garden.

To be Sold cheap for Caſh,

Two Hundred & Fifty Hogſheads of St. Martin's SALT, imported in the Schooner Lydia, Jeremiah Pearſon, Maſter, now lying at the North Side of the Long Wharff. Enquire of Mr. George Spooner at his Store Store, or the Maſter on Board.

Choice Bohea TEA,

To be ſold by the Cheſt, Hundred or Dozen,
At WILLIAM BLAIR's Store on Treat's Wharf,
Nearly oppoſite to the Eaſt End of Faneuil Hall Market.

TO BE SOLD

A Farm in Chelſea, about a Mile from Winiſimet Ferry, containing 164 Acres of good Paſturing, Mowing, and Marſh Land; there are on ſaid Farm, a large Houſe exceedingly pleaſantly ſituated, and two large Barns: Any Perſon inclining to purchaſe the whole or any part of it may know further by applying to Jonathan Green, of ſaid Chelſea, or to Samuel Danforth, near the Head of Croſs-Street Boſton.

On THURSDAY next,

At THREE o'Clock in the Afternoon,
Will be Sold at PUBLICK VENDUE,

By Benjamin Church,

At his Uſual Place of Sale,

A valuable Aſſortment of European Goods, viz. Broad Cloths, Scarlet, Blues, &c. Coarſer ditto. Ratteens, Forreſt Cloths, Shalloons, Camblets, Iriſh Hollands, Checks, Handkerchiefs, &c. &c. Houſe Furniture, Wearing Apparel, an 8-Day Clock, Watches, &c. &c. At THREE o'Clock, P. M.

This Day Publiſhed, price 1s. L. M.

THE
REVOLUTION
IN
NEW-ENGLAND,
[In 1688.]
JUSTIFIED,
AND THE
PEOPLE there VINDICATED

From the aſperſions caſt upon them by Mr. JOHN PALMER, in his pretended anſwer to the declaration publiſhed by the inhabitants of Boſton and the county adjacent, on the day when they ſecured their late oppreſſors, who acted by *illegal* and *arbitrary* commiſſion from King James. To which is added,

NARRATIVE of the PROCEEDINGS of
Sir EDMUND ANDROSSE,

And his accomplices. Who alſo acted by an *illegal* and *arbitrary* commiſſion from the late King James, during his government in New-England.

By ſeveral Gentlemen who were of his Council.
Printed in the Year 1691.
Boſton: Re-printed and ſold by I. THOMAS near the Mill-Bridge.

SUBSCRIBERS are deſired to call or ſend for their Books.

TO BE LETT,

The Houſe that Mr. William Henry Prentice now lives in, in Dunſtable, and has kept a Tavern ſome Years, on the great Road on Merrimack River; there is every Accommodation of Houſe and Stables for Travellers, and is much uſed. Enquire of JOHN TYNG, Eſq; of Dunſtable, the Owner.

To be Sold at the Shop of

William Maxwell *in King-Street*,

The following Articles, by Wholeſale or Retail.

The beſt Jamaica and Cain Spirits,
Sundry Sorts of Wine of the beſt Quality,
French and Cyder Brandy, none better.
Sundry Sorts of Cordial Waters,
Choice Suchong and Bohea Tea,
Coffee, Chocolate and Spices of all Sorts,
White, Loaf and Brown Sugar,
The beſt of Rhode-Iſland Cheeſe,
Glaſs and Crockery Ware, &c. &c. &c. &c.
Some of the beſt Holland's Geneva, by Caſe or ſmaller Quantity.

The above Articles will be Sold cheap for Caſh.

To be Sold at the loweſt Rate by

George Spriggs, *Gardner.*

At his Houſe near Beacon-Hill,

Engliſh Fruit Trees, grafted and innoculated of the beſt Kinds; Flowering Shrubs; early Peas and Beans, and ſmall Seeds ſaved the laſt Year, which will be warranted good.

(7) see on Common law, pa. 964, Vol. 2. & pa. 691. 250 (8) see Mass.a Bay's merits, pa 557.
(9) see pa. 1050, Vol. 2.

(8). vid Magna Charta pa. 790–1050 – Petition of Right page 816 – Bill of Rights page 1053, Vol. 2.
(1) vid Letter to Ld. Hillsborough pa. 947, Vol. 2.
(2). vid pa. 996 Vol. 2.
(3). vid essay on the Cannon & Feudal Law pa. 159, &c. Vol. 1, also page 257. 263. 242.
(4) see list of Grievances, pa. 971.
(5) see Bill of Rights, pa. 1053, Vol. 2.
(6) see revolution, pa. 1053, Vol. 2.

B O S T O N.

On Tueſday laſt the Houſe of Repreſentatives ordered the following Meſſage to the Governor, and the next Day it was carried to his Excellency, by Mr. *Hancock*, Mr. *Gorham*, Major *Fuller*, Capt. *Greenleafe*, Capt. *Heath*, Mr. *Phillips*, Capt. *Nye*, Capt. *Brown* of *Watertown*, and Capt. *Gardner*. & vid Majeſty pa, 257

May it pleaſe your Excellency,

IN your Speech at the Opening of the preſent Seſſion, your Excellency expreſs'd your Diſpleaſure at ſome late Proceedings of the Town of Boſton, and other principal Towns in the Province. And in another Speech to both Houſes we have your repeated Exceptions at the ſame Proceedings as being "unwarrantable," and of a dangerous Nature and tendency; "againſt which you thought yourſelf bound to call upon us to join with you in bearing a proper Teſtimony." This Houſe have not diſcovered any Principles advanced by the Town of Boſton, that are unwarrantable by the Conſtitution; nor does it appear to us that they have "invited every other Town and Diſtrict in the Province to adopt their Principles." We are fully convinced that it is our Duty to bear our Teſtimony againſt "Innovations of a dangerous Nature and Tendency:" But it is clearly our Opinion, that it is the indiſputable Right of all or any of his Majeſty's Subjects in this Province, regularly and orderly to meet together to ſtate the Grievances they labor under; and to propoſe and unite in ſuch Conſtitutional Meaſures as they ſhall judge neceſſary or proper to obtain Redreſs. This Right has been frequently exerciſed by his Majeſty's Subjects within the Realm (1); and we do not recollect an Inſtance, ſince the happy Revolution, when the two Houſes of Parliament have been called upon to diſcountenance or bear their Teſtimony againſt it, in a Speech from the Throne.

Your Excellency is pleaſed to take Notice of ſome things which we "alledge" in our Anſwer to your firſt Speech: And the Obſervation you make, we muſt confeſs, is as natural and as undeniably true, as any one that could have been made, that "if our foundation ſhall fail us *in every Part of it*, the Fabrick we have rais'd upon it, muſt certainly fall." You think, this Foundation will fail us; but we wiſh your Excellency had condeſcended to a Conſideration of what we have "adduced in Support of our Principles." We might then perhaps have had ſome things offered for our Conviction, more than bare Affirmations; which, we muſt beg to be excuſed if we ſay, are far from being ſufficient, though they come with your Excellency's Authority, for which however we have a due regard.

Your Excellency ſays that "as Engliſh Subjects and agreeable to the Doctrine of the feudal Tenure all our Lands are held mediately or immediately of the Crown." We truſt your Excellency does not mean to introduce the feudal Syſtem in it's perfection; which to uſe the words of one of our greateſt Hiſtorians was "a State of perpetual War, Anarchy and Confuſion; calculated ſolely for defence againſt the Aſſaults of any foreign Power, but in it's Proviſion for the interior Order and Tranquility of Society extremely defective. (3) A Conſtitution ſo contradictory to all the Principles that govern Mankind could never be brought about but by foreign Conqueſt or native Uſurpation:" And a very celebrated Writer calls it "that moſt iniquitous and abſurd Form of Government by which Human Nature was ſo ſhamefully degraded." (3) This Syſtem of Iniquity by a ſtrange kind of fatality, "though originally form'd for an Encampment and for Military purpoſes only, ſpread over a great part of Europe:" and to ſerve the purpoſes of Oppreſſion and Tyranny "was adopted by Princes and wrought into their civil Conſtitutions;" and aided by the Canon Law, calculated by the Roman Pontiff, to exalt himſelf above all that is called God, it prevailed to the almoſt utter Extinction of Knowledge, Virtue, Religion and Liberty from that part of the Earth. (3) But from the time of the Reformation, in proportion as knowledge, which then darted its Rays upon the benighted World, increas'd and ſpread among the People, they grew impatient under this heavy Yoke: And the moſt virtuous and ſenſible among them, to whoſe Stedfaſtneſs we in this diſtant Age and Climate are greatly indebted, were determined to get rid of it: And tho' they have in a great meaſure ſubdued it's Power and Influence in England, they have never yet totally eradicated its Principles.

(5) Upon theſe Principles the King claimed an abſolute Right to and a perfect Eſtate in all the Lands within his Dominions; but how he came by this abſolute Right and perfect Eſtate is a Myſtery which we have never ſeen unravelled, nor is it our Buſineſs or Deſign at preſent to enquire. He granted Parts or Parcels of it to his Friends the Great Men, and they granted leſſer Parcels to their Tenants: All therefore derived their Right and held their Lands, upon theſe Principles, mediately or immediately of the King; which Mr. *Blackſtone* however calls "in Reality a mere Fiction of our Engliſh Tenures." (9)

By what Right in Nature and Reaſon the Chriſtian Princes in Europe claimed the Lands of Heathen People, upon a Diſcovery made by any of their Subjects, is equally myſterious: Such however was the Doctrine univerſally prevailing when the Lands in America were diſcovered; but as the People of England upon thoſe Principles held all the Lands they poſſeſſed by Grants from the King, and the King had never granted the Lands in America *to them*, it is certain they could have no Sort of Claim to them: Upon the Principles advanced, the Lordſhip and Dominion like that of the Lands in England, was in the King ſolely: and a Right from thence accrued to him of diſpoſing ſuch Territories under ſuch Tenure and for ſuch Services to be performed, as the King or Lord thought proper. But how the Grantees *became* Subjects of England, that is the Supreme Authority of the Parliament, your Excellency has not explained to us. We conceive that upon the feudal Principles all Power is in the King; they afford us no Idea of *Parliament*. "The Lord was in early Times the Legiſlator and Judge over all his Feudatories," ſays Judge Blackſton. By the Struggles for Liberty in England from the days of King John to the laſt happy Revolution, the Conſtitution has been gradually changing for the better; and upon the more rational Principles that all Men by Nature are in a State of Equality in reſpect of Juriſdiction and Dominion, Power in England has been more equally divided. And thus alſo in America, though we hold our Lands agreeably to the feudal Principles of the King; yet our Predeceſſors wiſely took care to enter into Compact with the King, that Power here ſhould alſo be equally divided, agreeable to the original fundamental Principles of the Engliſh Conſtitution, declared in Magna Charta and other Laws and Statutes of England, made to confirm them. (X)

Your Excellency ſays, "you can by no Means concede to us that it is now or was when the Plantations were firſt granted the Prerogative of the Kings of England to conſtitute a Number of new Governments altogether independent of the Sovereign Authority of the Engliſh Empire." By the feudal Principles upon which you ſay "all the Grants which have been made of America are founded" "the Conſtitutions of the Emperor have the force of Law." If our Government be conſidered as meerly feudatory, we are ſubject to the Kings abſolute Will, and there is no room for the Authority of Parliament, as the ſovereign Authority of the Britiſh Empire. Upon theſe Principles, what could hinder the King's conſtituting a Number of independent Governments in America? That King Charles the firſt did actually ſet up a Government in this Colony, conceding to it Powers of making and executing Laws, without any reſervation to the Engliſh Parliament, of Authority to make future Laws binding therein, is a fact which your Excellency has not diſproved if you have denied it. Nor have you ſhewn that the Parliament or Nation objected to it; from whence we have inferred that it was an acknowledged Right. And we cannot conceive, why the King has not the ſame Right to alienate and diſpoſe of Countries acquired by the Diſcovery of his Subjects, as he has to "reſtore upon a Treaty of Peace Countries which have been acquired in War," carried on at the Charge of the Nation; or to "ſell and deliver up any part of his Dominions to a foreign Prince or State, againſt the General Senſe of the Nation;" which is "an Act of Power" or Prerogative which your Excellency allows. You tell us that "when any New Countries are diſcovered by Engliſh Subjects, according to the general Law and Uſage of Nations, *they become part of the State*." The Law of Nations is or ought to be founded on the Law of Reaſon. It was the ſaying of Sir Edwin Sandis, in the great Caſe of the Union of the Realm of Scotland with England, which is applicable to our preſent purpoſe, that "there being no precedent for this Caſe in the Law, the Law is deficient; and the Law being deficient, Recourſe is to be had to Cuſtom; and Cuſtom being inſufficient, we muſt recur to natural Reaſon," the greateſt of all Authorities, which he adds "is the Law of Nations." The Opinions therefore, and Determinations of the greateſt Sages and Judges of the Law in the Exchequer Chamber ought not to be conſidered as deciſive or binding in our preſent Controverſy with your Excellency, any further than they are conſonant to *natural Reaſon*. If however we were to recur to ſuch Opinions and Determinations we ſhould find very great Authorities in our favour, to ſhow that the Statutes of England are not binding on thoſe who are not repreſented in Parliament there. The Opinion of Lord Coke that Ireland was bound by Statutes of England wherein they *were named*, if compared with his other Writings, appears manifeſtly to be grounded upon a ſuppoſition, that Ireland had by an Act of their own, in the Reign of King John, conſented to be thus bound, and upon any other Suppoſition this Opinion would be againſt *Reaſon*; for *Conſent only* gives human Laws their force. We beg Leave, upon what your Excellency has obſerved of the Colony becoming a part of the State, to ſubjoin the Opinions of ſeveral learned Civilians, as quoted by a very able Lawyer in this Country; "Colonies, ſays Puffendorf, are ſettled in different Methods. For either the Colony *continues a part* of the Common Wealth it was ſent out from; or elſe is obliged to pay a dutiful Reſpect to the Mother Common Wealth, and to be in Readineſs to defend and vindicate its Honor, and ſo is united by a ſort of unequal Confederacy; or laſtly, is *erected into a ſeparate Common Wealth* and *aſſumes the ſame Rights*, with the State it deſcended from." And King Tullius, as quoted by the ſame learned Author from Grotius, ſays "We look upon it to be neither Truth nor Juſtice that Mother Cities ought of Neceſſity and *by the Law of Nature* to *rule over their Colonies*."

Your Excellency has miſinterpreted what we have ſaid, "that no Country by the Common Law, was ſubject to the Laws or the Parliament but the Realm of England," and are pleaſed to tell us that we have expreſſed ourſelves "*incautiouſly*." We beg leave to recite the Words of the Judges of England in the beforementioned Caſe to our purpoſe. "If a King go out of England with a Company of his Servants, Allegiance remaineth among his Subjects and Servants, altho' he be out of his Realm *whereto his Laws are confined*." We did not mean to ſay, as your Excellency would ſuppoſe, that "the Common Law preſcribes Limits to the Extent of the Legiſlative Power," though we ſhall always affirm it to be true of the Law of Reaſon and natural Equity. Your Excellency thinks you have made it appear that the "Colony of Maſſachuſetts-Bay is holden as feudatory of the Imperial Crown of England," and therefore you ſay, "to uſe the Words of a very great Authority in a Caſe *in ſome Reſpects* analogous to it," "being feudatory *it neceſſarily* follows, that it is under the Government of the Kings Laws." Your Excellency has not named this Authority; but we conceive his meaning muſt be, that being feudatory, it is under the Government of the King's Laws *abſolutely*; for as we have before ſaid the feudal Syſtem admits of no Idea of the Authority of Parliament, and this would have been the Caſe of the Colony, but for the Compact with the King in the Charter.

Your Excellency ſays that "Perſons thus holding *under the Crown* of England remain or *become* Subjects of England," by which we ſuppoſe your Excellency to mean, ſubject to the Supreme Authority of Parliament "to all Intents and Purpoſes as fully as if any of the Royal Manors, &c. within the Realm had been granted to them upon the like Tenures." We apprehend with Submiſſion your Excellency is miſtaken in ſuppoſing that our Allegiance is due to the Crown of England. Every Man ſwears Allegiance for himſelf to his own King in his natural Perſon. "Every Subject is preſumed by Law to be ſworn to the King, which is to his natural Perſon," ſays Lord Coke. *Rep. on Calvin's Caſe.* "The Allegiance is due to his natural Body." And he ſays "in the Reign of Edward II. the Spencers, the Father and the Son, to cover the Treaſon hatched in their Hearts, invented this damnable and damned Opinion, that *Homage* and Oath of Allegiance was more by Reaſon of the King's Crown, that is of his politick Capacity, than by Reaſon of the Perſon of the King; upon which Opinion they infer'd execrable and deteſtable Conſequents." The Judges of England, all but one, in the Caſe of the Union between Scotland and England, declared that "Allegiance followeth the natural Perſon not the politick;" and "to prove the Allegiance to be tied to the Body natural of the King, and not to the Body politick, the Lord Coke cited the Phraſe of diverſe Statutes, mentioning our natural liege Sovereign."—If then the Homage and Allegiance is not to the Body politick of the King, then it is not to him as the Head or any Part of that legiſlative Authority, which your Excellency *ſays* "is equally extenſive with the Authority of the Crown throughout every Part of the Dominion;" and your Excellency's Obſervations thereupon muſt fail. The ſame Judges mention the Allegiance of a Subject to the Kings of England who is out of the Reach and Extent of the Laws of England; which is perfectly reconcileable with the Principles of our Anceſtors quoted before from your Excellency's Hiſtory, but upon your Excellency's Principles appears to us to be an Abſurdity. The Judges ſpeaking of a Subject, ſay, "although his Birth was out of the Bounds of the Kingdom of England, and *out of the Reach and Extent of the Laws of England*, yet if it were *within the Allegiance of the King of England*, &c. Normandy, Aquitain, Gaſcoign, and other Places within the Limits of France, and conſequently out of the Realm or Bounds of the Kingdom of England, were in Subjection to the Kings of England." And the Judges ſay, "*Rex et Regnum* be not ſo Relatives, as a King can be King but of one Kingdom, which clearly holdeth not but that his Kingly Power extending to divers Nations and Kingdoms, all owe him equal Subjection and are equally born to the Benefit of his Protection, and altho' he is to govern them *by their diſtinct Laws*, yet any one of the People coming into the other is to have the Benefit of the Laws wheresoever he cometh." So they are not to be deemed *Aliens*, as your Excellency in your firſt Speech ſuppoſes in any of the Dominions; all which accords with the Principles our Anceſtors held. "And he is to bear the Burden of Taxes *of the Place where he cometh*, but living in one or for his Livelihood in one, *he is not to be taxed in the other*, becauſe Laws ordain Taxes, Impoſitions and Charges as a *Diſcipline* of Subjection particularized to every particular Nation:" Nothing we think can be more clear to our Purpoſe than this Deciſion, of Judges, perhaps as learned as ever adorned the Engliſh Nation; *or in favor of America* in her preſent Controverſy with the Mother State.

Your Excellency ſays, that by our not diſtinguiſhing between the Crown of England and the Kings and Queens of England in their perſonal or natural Capacities, we have been led into a fundamental Error. Upon this very Diſtinction we have availed ourſelves. We have ſaid that our Anceſtors conſidered the Land which they took Poſſeſſion of in America as out of the Bounds of the Kingdom of England, and out of the Reach and Extent of the Laws of England; and that the King alſo even in the Act of granting the Charter conſidered the Territory as *not within* the Realm; that the King had an abſolute Right in himſelf to diſpoſe of the Lands, and that this was not diſputed by the Nation; nor could the Lands on any ſolid Grounds be claimed by the Nation, and therefore our Anceſtors received the Lands by Grant from the King, and at the ſame time compacted with him and promiſed him Homage and Allegiance not in his publick or politick but natural Capacity only.——If it be difficult for us to ſhow how the King acquired a Title to this Country in his natural Capacity, or ſeparate from his Relation to his Subjects, which we confeſs, yet we conceive it will be equally difficult for your Excellency to ſhow how the Body Politick and Nation of England acquired it. Our Anceſtors ſuppoſed it was acquired by neither; and therefore they declared, as we have before quoted from your *Hiſtory*, that ſaving their actual Purchaſe from the Natives of the Soil, the Dominion, the Lordſhip, and Sovereignty, they had in the Sight of God and Man, no Right and Title to what they poſſeſſed. How much clearer then in natural Reaſon and Equity muſt our Title be, who hold Eſtates dearly purchaſed at the Expence of our own as well as our Anceſtors Labour, and defended by them with Treaſure and Blood. (8)

Your Excellency has been pleaſed to confirm rather than deny or confute a Piece of Hiſtory which you ſay we took from an anonimous Pamphlet, and by which you "fear we have been too eaſily miſled." It may be gathered from your own Declaration and other Authorities beſides the anonimous Pamphlet, that the Houſe of Commons took Exception, not at the King's having made an abſolute Grant of the Territory, but at the Claim of an excluſive Right to the Fiſhery on the Banks and Sea Coaſt, by Virtue of the Patent. At this you ſay "the Houſe of Commons was alarmed, and a Bill was brought in for allowing a free Fiſhery." And upon this Occaſion your Excellency allows, that "one of the Secretaries of State declared that the Plantations were not annexed to the Crown and ſo were not within the Juriſdiction of Parliament." (9) If we ſhould concede to what your Excellency ſuppoſes might poſſibly or "perhaps" be the Caſe, that the Secretary made this declaration "as his own Opinion," the Event ſhowed that it was the Opinion of the King too; for it is not to be accounted for upon any other Principle, that he would have denied his Royal Aſſent to a Bill formed for no other Purpoſe but to grant his Subjects in England the Privilege of Fiſhing on the Sea Coaſts in

& vid page 216 | vid Index under Towns. 6 vid pa. 242. v. vid State of Rights &c pa. 1089 | vid- the Letter pa. 1117 alluded to. ... vid pa. 229 ? vid Our Charter pa. 1077. Vol. 2; not the above,

(7) see on acts of Trade, pa 591. vol. 3, & pa. 667, 685, 1228.
(8) see when they came to this Country, pa. 1070, vol. 2.

251 ☞ vid Reſolves of yᵉ Houſe againſt the Judges pa. 318.

America. The Account publiſhed by Sir Ferdinando Gorges himſelf, of the Proceedings of Parliament on this Occaſion, your Excellency thinks will remove all doubt of the Senſe of the Nation and of the Patentees of this Patent or Charter in 1620. "This Narrative, you ſay, has all the Appearance of Truth and Sincerity," which we do not deny: And to us it carries this Conviction with it, that "what was objected" in Parliament was, the excluſive Claim of Fiſhing only. His imagining that he had ſatisfied the Houſe after divers Attendances, that the Planting a Colony was of much more Conſequence than a ſimple diſorderly Courſe of Fiſhing, is ſufficient for our Conviction. We know that the Nation was at that Time alarmed with Apprehenſions of Monopolies; and if the Patent of New-England was preſented by the two Houſes as a Grievance, it did not ſhew, as your Excellency ſuppoſes, "the Senſe they then had of their Authority over this new-acquired Territory," but only their Senſe of the Grievance of a Monopoly of the Sea.

We are happy to hear your Excellency ſay, that "our Remarks upon and Conſtruction of the Words *not repugnant to the Laws of England*, are much the ſame with thoſe of the Council." It ſerves to confirm us in our Opinion in what we take to be the moſt important Matter of Difference between your Excellency and the two Houſes. After ſaying that the Statute of 7th and 8th of William and Mary favors the Conſtruction of the Words as intending ſuch Laws of England as are made more immediately to reſpect us, you tell us, that "the Province Agent Mr. Dummer in his much applauded Defence, ſays that then a Law of the Plantations may be ſaid to be repugnant to a Law made in Great Britain when it flatly contradicts it ſo far as the Law made there mentions and relates to the Plantations." This is plain and obvious to common Senſe, and therefore cannot be denied. But if your Excellency will read a Page or two further in that excellent Defence, you will ſee that he mentions this as the Senſe of the Phraſe as taken from an Act of Parliament, rather than as the Senſe he would chuſe himſelf to put upon it; and he expreſsly declares that in this Senſe of the Words, there never was a Law made in the Plantations repugnant to the Laws of Great Britain. He gives another Conſtruction much more likely to be the true Intent of the Words, namely, "that the Patentees ſhall not preſume under colour of their particular Charters to make any Laws *inconſiſtent with the Great Charter and other Laws of England, by which the Lives, Liberties, and Properties of Engliſhmen are ſecured*." This is the Senſe in which our Anceſtors underſtood the Words; and therefore they were unwilling to conform to the Acts of Trade, and diſregarded them till they made Proviſion to give them Force in the Colony by a Law of their own; ſaying, that "the Laws of England did not reach America: And thoſe Acts were an Infringement of their Rights, Liberties and Properties, becauſe they were not repreſented in Parliament." The Right of being governed by Laws which were made by Perſons in whoſe Election they had a Voice, they looked upon as the Foundation of Engliſh Liberties. By the Compact with the King in the Charter, they were to be as free in America, as they would have been if they had remained within the Realm; and therefore they freely aſſerted that they "were to be governed by Laws made by themſelves and by Officers choſen by themſelves." Mr. Dummer ſays, "It ſeems reaſonable enough to think that the Crown," and he might have added our Anceſtors, "intended by this Injunction to provide for all its Subjects, that they might not be oppreſſed by Arbitrary Power;—but—being ſtill Subjects, they ſhould be protected by the ſame mild Laws, and enjoy the ſame happy Government as if they continued within the Realm." And conſidering the Words of the Charter in this Light, he looks upon them as deſigned to be a Fence againſt Oppreſſion and deſpotic Power. But the Conſtruction which your Excellency puts upon the Words reduces us to a State of Vaſſalage, and expoſes us to Oppreſſion and deſpotic Power, whenever a Parliament ſhall ſee fit to make Laws for that Purpoſe and put them in Execution.

We flatter ourſelves that from the large Extracts we have made from your Excellency's Hiſtory of the Colony, it appears evidently, that under both Charters it hath been the Senſe of the People and of the Government that they were *not* under the Juriſdiction of Parliament. We pray you again to recur to thoſe Quotations and our Obſervations upon them: And we wiſh to have your Excellency's judicious Remarks. When we adduced that Hiſtory to prove that the Sentiments of *private* Perſons of Influence, four or five Years after the Reſtoration, were very different from what your Excellency apprehended them to be when you delivered your Speech, you ſeem to concede to it by telling us "it was, as you take it, from the *Principles imbibed* in thoſe Times of Anarchy (preceding the Reſtoration) that they diſputed the Authority of Parliament;" but you add, "the Government would not venture to diſpute it." We find in the ſame Hiſtory a Quotation from a Letter of Mr. Stoughton, dated 17 Years after the Reſtoration, mentioning "the Country's not taking Notice of the Acts of Navigation *to obſerve them*." And it was, as we take it, after that Time, that the Government declared in a Letter to their Agents, that they had not ſubmitted to them; and they ventured to "diſpute" the Juriſdiction, aſſerting that they apprehended the Acts to be an Invaſion of the Rights, Liberties and Properties of the Subjects of his Majeſty in the Colony, *they not being repreſented in Parliament*; and that "the Laws of England *did not reach America*." It very little avails in proof, that they conceded to the Supreme Authority of Parliament, their telling the Commiſſioners "that the Acts of Navigation had for ſome Years before been obſerved here, that they knew not of its being greatly violated, and that ſuch Laws as appeared to be againſt it were repealed." It may as truly be ſaid now, that the Revenue (1) Acts are obſerved by ſome of the People of this Province; but it cannot be ſaid that the Government and People of this Province have conceded that the Parliament had Authority to make ſuch Acts to be obſerved here. Neither does their Declaration to the Commiſſioners that ſuch Laws as appeared to be againſt the Acts of Navigation were repealed, prove their Conceſſion of the Authority of Parliament, by any means ſo much as their making Proviſion for giving Force to an Act of Parliament within this Province, by a deliberate and ſolemn Act or Law of their own, proves the contrary.

You tell us, that "the Government four or five Years before the Charter was vacated more explicitly," that is than by a Converſation with the Commiſſioners, "acknowledged the Authority of Parliament, and voted that their Governor ſhould take the Oath required of him faithfully to do and perform all Matters and Things enjoined him by the Acts of Trade." But does this, may it pleaſe your Excellency, ſhow their explicit Acknowledgment of the Authority of Parliament? Does it not rather ſhow directly the contrary? For, what need could there be for their Vote or Authority to require him to take the Oath already required of him by the Act of Parliament, unleſs both he and they judged that an Act of Parliament was not of Force ſufficient to bind him to take ſuch Oath? We do not deny, but on the contrary are fully perſuaded that your Excellency's Principles in Government are ſtill of the ſame with what they appear to be in the Hiſtory; for you there ſay, that "the paſſing this Law plainly ſhows the wrong Senſe they had of the Relation they ſtood in to England." But we are from hence convinced that your Excellency when you wrote the Hiſtory was of our Mind in this Reſpect, that our Anceſtors in paſſing the Law diſcovered their Opinion that they were without the Juriſdiction of Parliament: For it was upon this Principle alone that they ſhewed the wrong Senſe they had in your Excellency's Opinion, of the Relation they ſtood in to England.

Your Excellency in your ſecond Speech condeſcends to point out to us the Acts and Doings of the General Aſſembly which relates to Acts of Parliament, which you think "demonſtrates that they have been acknowledged by the Aſſembly or ſubmitted to by the People:" Neither of which in our Opinion ſhows that it was the Senſe of the Nation, and our Predeceſſors when they firſt took Poſſeſſion of this Plantation or Colony by a Grant and Charter from the Crown, that they were to remain ſubject to the ſupreme Authority of the Engliſh Parliament. (3)

Your Excellency ſeems chiefly to rely upon our Anceſtors after the Revolution "proclaiming King William and Queen Mary in the room of King James," and taking the Oaths to them, "the Alteration of the Form of Oaths from time to time," and finally "the Eſtabliſhment of the Form which every one of us has complied with, as the Charter, in expreſs Terms requires and makes our Duty." We do not know that it has ever been a Point in Diſpute whether the Kings of England were ipſo facto Kings in and over this Colony or Province. The Compact was made between King Charles the firſt, his Heirs and Succeſſors, and the Governor and Company, their Heirs and Succeſſors. It is eaſy upon this Principle, to account for the Acknowledgment of and Submiſſion to King William and Queen Mary as Succeſſors of Charles the firſt, in the room of King James: Beſides it is to be conſidered, that the People in the Colony as well as in England had ſuffered under the TYRANT James, by which he had alike forfeited his Right to reign over both. There had been a Revolution here as well as in England. The Eyes of the People here were upon William and Mary, and the News of their being proclaimed in England, was, as your Excellency's Hiſtory tells us, "the moſt joyful News ever received in New-England." And if they were not proclaimed here "by virtue of an Act of the Colony," it was, as we think may be concluded from the Tenor of your Hiſtory, with the general or univerſal Conſent of the People as apparently as if "ſuch Act had paſſed." It is Conſent alone, that makes any human Laws binding; and as a learned Author obſerves, a purely voluntary Submiſſion to an Act, becauſe it is highly in our Favor and for our Benefit, is in all Equity and Juſtice to be deemed as not at all proceeding from the Right we include in the Legiſlators, that they thereby obtain an Authority over us, and that ever hereafter we muſt obey them of Duty. We would obſerve that one of the firſt Acts of the General Aſſembly of this Province ſince the preſent Charter, was an Act requiring the taking the Oaths mentioned in an Act of Parliament, to which you refer us. For what Purpoſe was this Act of the Aſſembly paſſed, if it was the Senſe of the Legiſlators that the Act of Parliament was in force in the Province. And at the ſame time another Act was made for the Eſtabliſhment of other Oaths neceſſary to be taken; both which Acts have the Royal Sanction, and are now in force. Your Excellency ſays, that when the Colony applied to King William for a ſecond Charter, they knew the Oath the King had taken, which was to govern them according to the Statutes in Parliament, and (which your Excellency here omits) *the Laws and Cuſtoms of the ſame*. By the Laws and Cuſtoms of Parliament, the People of England freely debate and conſent to ſuch Statutes as are made by themſelves or their choſen Repreſentatives. This is a Law or Cuſtom which all Mankind may juſtly challenge as their inherent Right. According to this Law the King has an undoubted Right to govern us. Your Excellency upon Recollection ſurely will not infer from hence, that it was the Senſe of our Predeceſſors that there was to remain a Supremacy in the Engliſh Parliament, or a full Power and Authority to make Laws binding upon us in all Caſes whatever, in that Parliament where we cannot *debate and deliberate* upon the Neceſſity or Expediency of any Law, and conſequently without our Conſent, and as it may probably happen deſtructive of the firſt Law of Society, the Good of the Whole. You tell us that "after the Aſſumption of all the Powers of Government, by Virtue of the new Charter, an Act paſſed for the reviving, for a limited Time all the local Laws of the Maſſachuſetts Bay and New Plymouth reſpectively, not repugnant to the Laws of England. And at the ſame Seſſion an Act paſſed eſtabliſhing Naval Officers, that all undue Trading contrary to (7) an Act of Parliament—may be prevented." Among the Acts that were then revived we may reaſonably ſuppoſe was that whereby Proviſion was made to give Force to this Act of Parliament in the Province. The Eſtabliſhment therefore of the Naval Officers was to aid the Execution of an Act of Parliament for the Obſervance of which within the Colony the Aſſembly had before made Proviſion after free Debates with their own Conſent and by their own Act.

The Act of Parliament paſſed in 1741, for putting an End to ſeveral unwarrantable Schemes, mentioned by your Excellency, was deſigned for the general Good, and if the Validity of it was not diſputed, it cannot be urged as a Conceſſion of the Supreme Authority, to make Laws binding on us *in all Caſes whatever*. But if the Deſign of it was for the general Benefit of the Province, it was in one Reſpect at leaſt greatly complained of by the Perſons more immediately affected by it; and to remedy the Inconvenience, the Legiſlative of this Province paſs'd an Act, directly militating with it; Which is the ſtrongeſt Evidence, that altho' they may have ſubmitted *ſub ſilentio* to ſome Acts of Parliament that they conceived might operate for their Benefit, they did not conceive themſelves bound by any of its Acts which they judged would operate to the Injury even of Individuals.

Your Excellency has not thought proper to attempt to confute the Reaſoning of a learned Writer on the Laws of Nature and Nations, quoted by us on this Occaſion, to ſhew that the Authority of the Legiſlature does not extend ſo far as the Fundamentals of the Conſtitution. We are unhappy in not having your Remarks upon the Reaſoning of that great Man; and until it be confuted, we ſhall remain of the Opinion, that the Fundamentals of the Conſtitution being excepted from the Commiſſion of the Legiſlators, none of the Acts or Doings of the General Aſſembly, however deliberate and ſolemn, could avail to change them, if the People have not in very expreſs Terms given them the Power to do it; and that much leſs ought their Acts and Doings, however numerous, which barely refer to Acts of Parliament made expreſsly to relate to us, to be taken as an Acknowledgment that we are ſubject to the Supreme Authority of Parliament.

We ſhall ſum up our own Sentiments in the Words of that learned Writer Mr. Hooker, in his Eccleſiaſtical Policy, as quoted by Mr. Locke, "The lawful Power of making Laws to command whole politick Societies of Men, belonging ſo properly to the ſame intire Societies, that for any Prince or Potentate of what kind ſoever, to exerciſe the ſame of himſelf, and not from expreſs Commiſſion immediately and perſonally received from God, is no better *than meer Tyranny*. Laws therefore they are not which *publick Approbation* hath not made ſo." for "Laws human of what kind ſoever are available by Conſent." "Since Men naturally have no full and perfect Power to command whole politick Multitudes of Men, therefore, utterly without our Conſent we could in ſuch ſort be at no Man's Commandment living. And to be commanded we do conſent, when that Society whereof we be a Part hath at any Time before conſented." We think your Excellency has not proved, either that the Colony is a Part of the politick Society of England, or that it has ever conſented that the Parliament of England or Great-Britain ſhould make Laws binding upon us in all Caſes whatever, whether made expreſsly to refer to us or not. (6)

We cannot help before we conclude, expreſſing our great Concern, that your Excellency has thus repeatedly, and in a Manner inſiſted upon our free Sentiments on Matters of ſo delicate a Nature, and weighty Importance. The Queſtion appears to us to be no other, than Whether we are the Subjects of abſolute unlimited Power, or of a free Government formed on the Principles of the Engliſh Conſtitution. If your Excellency's Doctrine be true, the People of this Province hold their Lands of the Crown and People of England, and their Lives, Liberties and Properties are at their Diſpoſal; and that even by Compact and their own Conſent. They are ſubject to the King as the Head *alterius Populi* of another People, in whoſe Legiſlative they have no Voice or Intereſt. They are indeed ſaid to have a Conſtitution and a Legiſlative of their own, but your Excellency has explained it into a mere Phantom; limited, controuled, ſuperſeded and nullified at the Will of another. Is this the Conſtitution which ſo charmed our Anceſtors, that as your Excellency has informed us, they kept a Day of ſolemn Thankſgiving to Almighty God when they received it? And were they Men of ſo little Diſcernment, ſuch Children in Underſtanding, as to pleaſe themſelves with the Imagination that they were bleſſed with the ſame Rights and Liberties which natural born Subjects in England enjoyed, when at the ſame Time they had fully conſented to be ruled and ordered by a Legiſlative a Thouſand Leagues diſtant from them, which cannot be ſuppoſed to be ſufficiently acquainted with their Circumſtances, if concerned for their Intereſt, and in which they cannot be in any Senſe repreſented.

In the HOUSE of REPRESENTATIVES, March 3. 1773.

WHEREAS by an Act of the Britiſh Parliament made and paſſed in the Sixth Year of his preſent Majeſty's Reign, it is declared, That the King, Lords and Commons in Parliament aſſembled have, ever had, and of Right ought to have, full Power and Authority to make Laws and Statutes of ſufficient Force and Validity to bind the Colonies and People of America Subjects of the Crown of Great-Britain, in all Caſes whatſoever: And afterwards the ſame Parliament made and paſſed an Act for laying Duties in America with the expreſs Purpoſe of raiſing a Revenue, and to enable His Majeſty to appropriate the ſame for the neceſſary Charges of the Adminiſtration of Juſtice and the Support of civil Government in ſuch Colonies where it ſhall be judged neceſſary, and towards further defraying the Expences of defending, protecting and ſecuring ſaid Dominions: And His Majeſty has been pleaſed by Virtue of the ſame laſt mentioned Act to appropriate a Part of the Revenue thus raiſed againſt the Conſent of the People, in providing for the Support of the Governor of the Province; and from His Excellency's Meſſage of the 4th of February we cannot but conclude, that Proviſion is made for the Support of the Judges of the Superior Court of Judicature, independent of the Grants and Acts of the General Aſſembly, contrary to invariable Uſage of this Province: Therefore,

1. RESOLVED, That the admitting any Authority to make Laws binding on the People of this Province in all Caſes whatſoever, ſaving the General Court or Aſſembly, is inconſiſtent with the Spirit of our free Conſtitution, and is Repugnant to one of the moſt eſſential Clauſes in our Charter, whereby the Inhabitants are intitled to all the Liberties of free and natural born Subjects, to all Intents, Conſtructions and Purpoſes whatſoever, as if they had been born within the Realm of England.—It reduces the People to the abſolute Will and Diſpoſal of a Legiſlature in which they can have no Voice, and who may make it their Intereſt to oppreſs and enſlave them.

2. RESOLVED, That by the Royal Charter aforeſaid, "the General Court or Aſſembly hath full Power and Authority to impoſe and levy proportionable and reaſonable Aſſeſſments, Rates and Taxes upon the Eſtates and Perſons of all and every the Proprietors and Inhabitants of the Province, to be iſſued and diſpoſed of by Warrant under the Hand of the Governor with the Advice and Conſent of the Council, for his Majeſty's Service in the neceſſary Defence and Support of the Government of the Province and the Protection and Preſervation of the Inhabitants there according to ſuch Acts as are or ſhall be in Force within the Province." And the making Proviſion for the Support of the Governor and the Judges otherwiſe than by the Grants and Acts of the General Court or Aſſembly is a violent Breach of the aforeſaid moſt important Clauſe in the Charter; The Support of Government, in which their Support is included, being one of the principal Purpoſes for which the Clauſe was inſerted.

Whereas the Independence as well as the Uprightneſs of the Judges of the Land is eſſential to the impartial Adminiſtration of Juſtice, and one of the beſt Securities of the Rights, Liberties and Properties of the People.

3. RESOLVED, therefore, That the making the Judges of the Land independent of the Grants of the People, and altogether dependent on the Crown, as they will be, if while they thus hold their Commiſſions during Pleaſure, they accept of Salaries from the Crown, is unconſtitutional, and deſtructive of that Security which every good Member of civil Society has a juſt Right to be aſſured of, under the due Execution of the Laws; and is directly the Reverſe of the Conſtitution and Appointment of the Judges in Great-Britain.

4. RESOLVED, That the Dependence of the Judges of the Land on the Crown for their Support, tends at all Times, eſpecially while they hold their Commiſſions during Pleaſure, to the Subverſion of Juſtice & Equity and to introduce Oppreſſion and Deſpotic Power.

5. RESOLVED, As the Opinion of this Houſe, that while the Juſtices of the Superior Court hold their Commiſſions during Pleaſure, any one of them who ſhall accept of and depend upon the Pleaſure of the Crown for his Support, independent of the Grants and Acts of the General Aſſembly, will diſcover to the World that he has not a due Senſe of the Importance of an Impartial Adminiſtration of Juſtice, that he is an Enemy to the Conſtitution, and has it in his Heart to promote the Eſtabliſhment of an arbitrary Government in the Province.

3 vid pa. 216. (1). vid Molaſses act, vid pa. 9. vol 2 — see act pa. 735. vol. 1. (2) vid Chronology pa. 1087 vol 2 (3) [illegible] vid the act pa. 792. vol. 1. (4) vid pa. 735 vol. 1. (5). vid Gov. Speech pa. 97 — & Reſolves pa. 112. pa. 235 (6). vid yᵉ Salaries. pa. 156. & vid Plate of Rights pa. 1089 (a) see pa. 1072 vol. 2. (9) see pa. 1052 vol. 2.

8 vid Speech pa. 242 (8) see declaratory act of may 5[illegible] vid Answer of the Houſe pa. 229. & vid Answer of the Council pa. 226
(vid Charter pa. 1077 vol. 2. & vid Magna Charta pa. 790 — Petition of Right pa. 816 — Bill of Rights pa 1052 vol. 2.

IN COUNCIL, March 5. 1773.

Ordered, That the following Addreſs be preſented to his Excellency the Governor, and that James Bowdoin, James Pitts, Samuel Dexter, Artemas Ward *and* Stephen Hall, *Eſqrs; be a Committee to wait on his Excellency therewith.*

Thomas Flucker, *Sec'ry.*

May it pleaſe your Excellency,

(1). IN your Meſſage to both Houſes, of the 23d of February laſt, you were pleaſed to mention you had acquainted the Houſe of Repreſentatives with the Information you had received, that his Majeſty had been pleaſed to allow Salaries to the Juſtices of the Superior Court ſo long as they ſhall reſide in the Province, or be abſent with his Majeſty's Leave—Which Salaries your Excellency tells us you have "no Doubt were intended to commence before the firſt of January laſt."

We humbly apprehend we ſhould be guilty of an unpardonable Neglect, if, on this Occaſion, we omitted freely expreſſing to your Excellency our Sentiments, reſpecting the Proviſion we have the utmoſt Reaſon to fear is made for the Support of the Juſtices of that Court, independant of the Grants of the General Aſſembly of this Province, in Conſequence of the Order of his Majeſty for that Purpoſe.

We conſider the full Power and Authority granted by the Royal Charter, to the General Court, to levy Taxes for the Support of the Government of this Province, as neceſſarily and conſtitutionally including the Right of ſupporting thoſe Juſtices, and all other Officers of the Government who are intitled to Salaries from the Publick: And we are conſtrained to ſay that ſuch Proviſion for the Support of the ſaid Juſtices as your Excellency's Meſſage leads us to conceive is intended ſhortly to take Place, as it renders them altogether dependant on the Crown, will, while the Tenor of their Commiſſions continues the ſame as at preſent, have a Tendency to produce Conſequences the moſt fatal to his Majeſty's Subjects of this Province.

As the Happineſs of a Community ſo much depends on an impartial Adminiſtration of Juſtice, this Board cannot but be deeply affected with the Thought, that by this Innovation in Government, a Foundation may be laid for rendering the Rights, Liberties and Properties of this People, in many Reſpects, precarious and inſecure.

Our moſt gracious Sovereign we regard as the tender Father of his People, however diſtant from his illuſtrious Perſon; while therefore we can by no Means attribute this Meaſure to a Diſpoſition in him to diminiſh the Felicity of his faithful Subjects of this Province, we ſtill entertain a Degree of Hope that the Warrants for the Payment of ſuch Salaries to the Juſtices may not have been iſſued.—But altho' we ſhould ſoon receive ſuch diſagreeable Intelligence—diſagreeable not only to this Board, but to the whole Body of the People, we ſhall nevertheleſs firmly depend on the Benignity of his Royal Mind for Relief, under this and every other Grievance.

(1). vid Arrival of Troops &c pa. 263—277 Vol. 2.

* Gov. Barnard's [illegible] Index Vol. 2, under Gov. Letters & Coun.

BOSTON, March 8.

On Friday laſt the Houſe of Repreſentatives ordered the following Meſſage to be preſented to the Governor, by Capt. *Heath*, Mr. *Hancock*, Mr. *Ellis*, Col. *Gilbert* and Capt. *Greenleaf*, viz.

May it pleaſe your Excellency,

IN your Meſſage of the 19th of January, your Excellency was pleaſed to acquaint the Houſe of Repreſentatives, that the Reputation which a Company of the Train under the Command of Major *Paddock*, in Col. *Erving's* Regiment, had very juſtly acquired, had encouraged your Excellency to form ſeveral other like Companies in the Regiments near the Sea; and recommended to the Houſe to make ſuch Proviſion for ſuch Companies, as his Majeſty's Service and the Intereſt of the Province ſhould require. In conſequence of your Excellency's Meſſage, the two Houſes paſſed a Bill for the better regulating of the Militia, in which among other Things, Proviſion is made for providing ſuch Companies with Cannon and Gun Houſes; which Bill the Houſe cannot but flatter themſelves, will obtain your Excellency's Aſſent. The Houſe ſtill diſpoſed to promote and encourage a Military Spirit, ſo eſſential to his Majeſty's Service in the Safety of this Province, (being apprehenſive that the uniforming and arming of ſuch Companies, will be attended with conſiderable expence to the Privates) take the Liberty to Addreſs your Excellency, and to deſire that you would be pleaſed to give Order, that ſuch Artillery Companies, as your Excellency ſhall think fit to raiſe, may be furniſhed with ſo many of the Province Arms, on Condition that the Officers of ſuch Companies become accountable that ſaid Arms ſhall be kept in good Order at all Times, and to return them when called for by the Captain General.

To which his Excellency was pleas'd to ſend the following Anſwer to the Houſe, viz.

Gentlemen of the Houſe of Repreſentatives,

ALL the Military Stores under my Care are properly the King's Stores and to be applied for his Service in the Protection and Defence of the Province at the Captain General ſhall think proper or as his Majeſty ſhall think fit to direct.

I have not in my Poſſeſſion a greater Number of Small Arms than may be neceſſary for His Majeſty's Service at Caſtle William. Whilſt they are there, under the immediate Charge of the Store-Keeper, I know that they are always kept in good Order and fit for Service. If delivered out and left in the Hands of the Officers of the Militia I ſhall be uncertain what Condition they are in. For theſe Reaſons, I muſt decline complying with your Deſire.

T. HUTCHINSON.

Province-Houſe, 5 March, 1773.

This Meſſage was the next Day read in the Houſe, and being the laſt Day of the Seſſion, was referred for Conſideration till the next Sitting of the General Aſſembly, when we hope it will be attended to according to it its real Importance and *Tendency*.

Saturday laſt the Governor prorogued the General Aſſembly to the 28th of April next. His Speech we are obliged to omit for want of Room.

The Committee appointed by this Town at their Meeting in March laſt, to make Application to ſome ſuitable Gentleman to deliver an Oration on the Fifth Inſtant, upon the dangerous Tendency of Standing Armies, and in Commemoration of the horrid Maſſacre perpetrated by a Party of the 29th Regiment on the Evening of the Fifth of March 1770, having acquainted the Selectmen of the Town that they had apply'd to Dr. Benjamin Church, and that he was ready to perform that Service for the Town: A Meeting was thereupon legally aſſembled by the Selectmen at Faneuil Hall on Friday laſt at Eleven o'Clock in the Forenoon; when the Town unanimouſly voted their entire Approbation of the Choice the Committee had made, and appointed a Committee to wait upon Dr. Church and acquaint him that it was the Deſire of the Town that he would deliver the Oration in the Old South Meeting-Houſe at ½ after Twelve o'Clock, to which Time and Place the Meeting was then adjourned. When the intermediate Time was expired, that capacious Houſe was ſo throngd with a very reſpectable Aſſembly, conſiſting of the Inhabitants, and many of the Clergy, not only of this, but the neighbouring Towns, that the Orator, and the honorable John Hancock, Eſq; Moderator of the Meeting, were obliged to be taken in at a Window. The Orator had the univerſal Applauſe of his Audience; and his Fellow Citizens voted him their Thanks, and unanimouſly requeſted a Copy of his Oration for the Preſs. vid the oration, pa. [illegible]

¶ In the Evening a great Number of the true Friends of Conſtitutional Liberty met at Mrs. Clapham's in King-Street, near the Spot where the tragical Deed was perpetrated; at which Place was erected a Lanthorn of tranſparent Paintings, adjuſted to the Balcony——In Front, exhibiting

"*The fatal Effect of a Standing Army, poſted in a free City*:" (!)

On the Right, the Figure of America ſitting in a Mourning Poſture, and looking down on the Spectators, with this Label, "*Behold my SONS*:"

On the left Side, a Monument inſcrib'd,

"*To the Memory of*

Meſſrs. Samuel Gray,
Samuel Marverick,
James Caldwell,
Patrick Carr, and,
Criſpus Attucks, who were barbarouſly murdered by a Party of the 29th Regiment, on the 5th of March, 1770. ¶

In a Window Eaſt of the Balcony, was placed a large tranſparent Frame, containing the following Verſes.

CANſt thou, Spectator, view this crimſon'd Scene,
And not reflect what theſe ſad Portraits mean?
Or can thy ſlaughter'd Brethren's guiltleſs Gore,
Revenge, from Year to Year, in vain implore? ¶
Aſk not where Preſton for his Butchers are,
But aſk, who bro't thoſe bloody Villains here? (!)
Never, for Inſtruments, forſake the Cauſe,
Nor ſpare the Wretch who would ſubvert the Laws.
That ruthleſs Fiend, who for a trifling Hire,
Would murder Scores, or ſet a Town on Fire;
Compar'd with him who would a Land enſlave,
Appears an inconſiderable Knave.
And ſhall the firſt adorn the fatal Tree,
While pamper'd and careſs'd the laſt goes free?
Forbid it Thou! whoſe Eyes no Bribe can blind
Nor Fear can *Influence* nor Favor bind.
Thy Juſtice drove one Murd'rer to Deſpair;
And ſhall a Number live in Riot here!
Live and appear to glory in the Crimes,
Which hand Deſtruction down to future Times!
Yes, ye ſhall live, but live like branded Cain,
In daily Dread of being nightly ſlain;
And when the anxious Scene on Earth is o'er,
Your Names ſhall ſtink 'till Time ſhall be no more!

At a Quarter after Nine, the preciſe Time of the Evening when the bloody Scene was acted, ¶ the Paintings were taken in, and the Bells ſet to Tolling, which held 'till Ten.

The Decency with which the numerous Spectators behaved, thro' the whole of the Evening, did great Honor to the Town, we may venture to ſay, in the Eyes of the whole Province, a great Part of the Repreſentative Body being preſent.

AT a General-Council held at the Council-Chamber in Boſton, on Tueſday laſt, His Excellency the Governor was pleaſed to nominate,

Charles Stockbridge, Eſq; to be a Juſtice of the Peace for the County of Plymouth.

Shearj-ſhub Bourn, Eſq; to be a Juſtice of the Peace for the County of Barnſtable.

To which Nominations His Majeſty's Council did adviſe and conſent.

On Friday Evening the 5th of March, 1773, was delivered an ORATION at Milton, by Mr. Josiah Brown. In this excellent Performance he endeavoured to reach the Underſtanding of his Audience, and ſeemed to feel with the keeneſt Senſibility for his oppreſſed Country; and with a manly & virtuous Boldneſs defended its Rights. In ſhort, he ſtood forth as a Champion of the common Rights of Mankind.

We hear a certain Lady of the upper Club, remarkable for her Spirit in defending the Honors of *her Head* when they have been publickly and rudely attacked, and who from Chance perhaps has been *ſtrangely pleaſed* with wearing a *Military Title*, has of late exceeded even her own *Firmneſs and Conſtancy* in ſupporting all Court Sentiments and Meaſures, within Doors and without, in which it is ſaid ſhe has been ſeconded with all the ſputtering, grinning & geſticulating Abilities of another *Gray* Lady——!

Par nobile Matrum!!

Saturday ſe'nnight four Men in a Boat from Marblehead, to Salem, having been to ſell Fiſh, in returning the Boat overſet, and two of them were drowned.

Laſt Friday was found drowned off Tileſton's Wharf, Mr. Iſaac Allen, Blackſmith, belonging to Sudbury, who left a Wife and two Children.

We are deſired to inform the Publick, that the Superior Court which by Law was to be held at Charleſtown in and for the County of Middleſex, on the ſecond Tueſday of April next, is by Order of the General Court to be held there (for this Year) on the firſt Tueſday of the ſame Month.

Laſt Friday Morning died Sarah Blanchard, aged 80. Her Funeral will be from Mr. Joſhua Blanchard's in Marlboro' Street this Afternoon, at half paſt Four o'Clock. Her Friends and Relations are deſired to attend.

Died at Beverly, The Rev. Mr. Joſeph Champney, aged 69, Senior Paſtor of the firſt Church there.

DIED at Roxbury, Mr. *Philip Searles*, aged 88.—What's remarkable in this good old Man, he never was ten Miles from the Place where he drew his firſt Breath.

AN EPIGRAM.

CONCEITED *Coxcomb*! mind in future,
That ſhort, but ſound Reproof, "Ne Sutor—"*
And ſooner hope to wear a *Mitre*,
Than *from* a *tolerable* Writer.
Your hobbling Doggrel badly Chiming,
Diſplays your awkward Knack at Rhyming;
Then ceaſe to *Rhyme* as well as Reason,
Contented with diſpenſing TREASON. SPEC.

* 'Let no Shoemaker go beyond his Laſt.' Tranſlated for the Benefit of Mr. Draper; to whom the Author would by no Means ſpeak unintelligibly!

TO BE SOLD,

A likely, healthy Negro Girl, about 16 Years of Age, has had the Small-Pox. Inquire of Edes and Gill.

All Perſons indebted to the Eſtate of Thomas Williſton, late of Boſton, Sexton, deceaſed, are deſired to pay their reſpective Balances to Mr. William Moore, Carpenter, Executor to ſaid Eſtate; And all Perſons having Demands on ſaid Eſtate, are deſired to bring in their Accounts to ſaid Executor for Adjuſtment.

TO-MORROW MORNING

At Eleven o'Clock,

Will be Sold by PUBLIC VENDUE, at the Auction-Room foot of Royal Exchange Lane, a Variety of Engliſh GOODS;——Among which are——

CALLICOES, Iriſh Linnens, Dowlaſſes, Sheetings, Checks, Bedticks, Cambricks, Lawns, Kenting, and Linnen Handkerchiefs, Bengalls, plain Modes, Sattins, Thread Stockings, a large Aſſortment of Woolens, Shalloons, Camblets, Mancheſter Velvets, Worſted Mitts, Quality Bindings, Felt Hatts, Table Knives, Shoe-Buckles, Silver Sleeve Buttons, Feather Beds, Tables, Deſks, 1 Jack and Spits, &c. &c. &c. Alſo, Mens and Womens new Wearing Apparel.

WILLIAM HUNTER, Auctioneer.

Advertiſements omitted, will be in our next.

CUSTOM-HOUSE, BOSTON.

ENTERED IN.

Hawley from New-Haven. Woodberry and Stone from Virginia. Drew and Godfrey from North-Carolina. Hewit and Burges from Maryland. Doubleday and Lee from Cape-Nichola. Cook from St. Martins. Larkin from St. Martins. Binney from Demarara.

OUTWARD BOUND.

Hinckley for Philadelphia. Hammon for Weſt-Indies.

OUTWARD BOUND.

Thatcher for Maryland. Wormelle for Weſt-Indies. Church for Philadelphia.

Burials in the Town of BOSTON, ſince our laſt,
Nine Whites. Two Blacks.
Baptiz'd in the ſeveral Churches, Three.

High Water at BOSTON for this preſent Week.

Monday, 30 min. after 10	Friday, 36 m aft. 4
Tueſday, 42 min. af. 11	Saturday, 24 m. af. 5
Wedneſday, 30 m. aft. 12	Lord's Day 12 m. af. 6
Thurſday, 28 min. aft. 1	☽ Full 2nd, 7 af. noon.

Boſton: Printed by Edes & Gill.

√ vid the Meſsage pa. 246 & vid pa. 235 ‖ vid their Salaries pa. 156 § vid Charter page 1077. Vol. 2. ‡ vid page, it did not paſs —— vid speech page 257 ¶ vid pa. 60. Vol. 3